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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD LANGER, MARY BARIDA, AND
JACKS WAY LLC, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

MARATHON DIGITAL HOLDINGS, INC.,
MERRICK OKAMOTO, FREDERICK G.
THIEL, SIMEON SALZMAN, and HUGH J.
GALLAGHER,

Defendants.

Case No. 2:23-cv-00470-RFB-DJA

**STIPULATION REQUESTING
EXTENSION OF TIME AND
[PROPOSED] ORDER SETTING
SCHEDULE**

1 **WHEREAS**, on August 5, 2024, Defendants Marathon Digital Holdings, Inc., Merrick
2 Okamoto, Frederick G. Thiel, Simeon Salzman, and Hugh J. Gallagher, filed a Motion to Dismiss
3 the Amended Federal Securities Class Action Complaint (the “Amended Complaint”) filed by
4 Court-appointed Co-Lead Plaintiffs Todd Langer, Mary Barida, and Jacks Way LLC,
5 (“Plaintiffs”) (ECF No. 43), which was fully submitted as of December 6, 2024;

6 **WHEREAS**, on March 3, 2025, this Court held oral argument on Defendants’ Motion to
7 Dismiss the Amended Complaint and granted the Motion to Dismiss without prejudice and with
8 leave to amend (ECF No. 68);

9 **WHEREAS**, on April 2, 2025, Plaintiffs filed a Second Amended Federal Securities Class
10 Action Complaint (the “Second Amended Complaint”) (ECF No. 69);

11 **WHEREAS**, counsel for Defendants and Plaintiffs have conferred and agreed to a
12 briefing schedule for Defendants’ forthcoming Motion to Dismiss the Second Amended
13 Complaint;

14 **WHEREAS**, the parties request extensions of time to file Defendants’ Motion to Dismiss
15 the Second Amended Complaint, Plaintiffs’ opposition brief, and Defendants’ reply brief;

16 **WHEREAS**, pursuant to LR IA 6-1(a), this is the first stipulation for extensions of time
17 to file Defendants’ Motion to Dismiss the Second Amended Complaint, Plaintiffs’ opposition
18 brief, and Defendants’ reply brief;

19 **WHEREAS**, pursuant to LR IA 6-1(a), the extensions of time requested by the parties are
20 intended to provide Defendants with the necessary time required to analyze the 93-page, 309-
21 paragraph Second Amended Complaint and its eight exhibits; accommodate the recent change in
22 Defendants’ counsel; provide Plaintiffs with the necessary time required to analyze Defendants’
23 motion to dismiss; accommodate commitments, including long-planned vacations, of counsel;
24 and establish a briefing schedule that the parties agree is fair and reasonable;

25 **WHEREAS**, the proposed schedule is not proposed for any improper purpose nor is it
26 intended to cause any undue delay in consideration of the Second Amended Complaint;

1 **IT IS HEREBY STIPULATED AND AGREED**, subject to the Court's approval, by
2 and among undersigned counsel, that Defendants shall file their Motion to Dismiss the Second
3 Amended Complaint on or before June 2, 2025; Plaintiffs shall file their opposition brief on or
4 before August 1, 2025; and Defendants shall file their reply brief on or before
5 September 10, 2025.

6
7 Dated: April 4, 2025

8 **FLANGAS LAW GROUP**

9 /s/Kimberly P. Stein

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Attorneys for Defendants

23 Dated: April 4, 2025

25 **MUEHLBAUER LAW OFFICE, LTD.**

26 /s/Andrew R. Muehlbauer

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ORDER

IT IS SO ORDERED. Defendants' shall file their Motion to Dismiss Plaintiffs' Second Amended Complaint on or before June 2, 2025; Plaintiffs shall file their opposition brief on or before August 1, 2025; and Defendants shall file their reply brief on or before September 10, 2025.

April 4, 2025



UNITED STATES DISTRICT COURT JUDGE

DATED:

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on April 4, 2025, that I electronically filed the above and foregoing document entitled **STIPULATION REQUESTING EXTENSION OF TIME AND [PROPOSED] ORDER SETTING SCHEDULE** using the CM/ECF system which will send a notice of electronic filing to all CM/ECF registrants.

/s/Ronnielyn Abrera

An employee of Flangas Law Group